

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

-against-

BRYAN FILOMENO-DELGADO,  
Defendant.

CRIMINAL NO. 16-8 (CCC)

Motion to Continue Deadlines and Trial date in Order to Permit  
Continued Defense Investigation Into Suppression and other  
Motions – Submitted with the Consent of the Government

TO THE HONORABLE CARMEN C. CEREZO  
UNITED STATES JUDGE  
FOR THE DISTRICT OF PUERTO RICO

**COMES NOW** Bryan Filomeno-Delgado (hereinafter “Mr. Filomeno”) the  
defendant herein, represented by the Federal Public Defender for the District of  
Puerto Rico, and respectfully states as follows:

1. The instant motion to continue the various deadlines set by the Court, including change of plea deadline, motions deadlines, and trial date, is submitted after consultation and with the consent of the government.
2. Discovery has been provided by the government – and the defense has largely reviewed the discovery and discussed the discovery with Mr. Filomeno. The

discovery raises various potential suppression issues which the defense needs to further investigate in order to evaluate the merits of any suppression motion, and the need for a trial. This investigation and evaluation is intended to avoid the filing of any non-meritorious motions.

3. The government has provided a plea offer which is under consideration, but which must be considered in light of any possible motion for the suppression of physical evidence or statements attributed to Mr. Filomeno.
4. The Court previously set the following deadlines: (i) pre-trial motions and motions to suppress to be filed by January 20, 2017; (ii) a deadline of February 24, 2017 for filing change of plea motion; and (iii) a trial for March 9, 2017.
5. Because the defense is still identifying and locating potential witnesses and investigating the situs of the arrest, it was impossible for the defense to comply with the Court's January 20, 2017 deadline for filing of motions, including suppression motions.
6. In order that the defense may conclude its pre-trial investigation – which may nevertheless lead to a disposition via a plea – this motion seeks that the Court continue the deadline for motions, and necessarily, continue the trial date.
7. As a result of various unrelated professional responsibilities and obligations, and in light of the pre-trial and investigatory issues presented herein, the undersigned counsel is compelled to request a continuance of the Court's

previously set deadlines. Among other responsibilities, the undersigned counsel is scheduled to commence a trial before the Honorable Pedro Delgado on February 13, 2017 (a case from a 2016 indictment); also counsel has an appellate brief due in the First Circuit Court of Appeals, also on February 13, 2017; additionally, counsel is scheduled to conduct a suppression hearing before the Honorable Aida Delgado on February 28, 2017. Finally, the undersigned counsel will be out of the jurisdiction for the week of February 20<sup>th</sup> as a result of training in Washington, D.C.

8. Thus, given the need and current progress of the defense investigation, the need for counsel to assess and consider the filing of appropriate motions, and the numerous additional professional responsibilities enumerated above, I respectfully request the Court grant the a continuance of the deadlines for filing of motions, and for the continuance of the March 9, 2017 trial date.
9. I respectfully request the Court grant the defense until April 1, 2017 as a deadline for the filing of any motions. Additionally, I respectfully request the Court continue the March 9, 2017 trial date to a date convenient for the Court in June 2017. Alternatively, I respectfully request a status conference to address the issues presented herein.

**WHEREFORE**, it is respectfully requested that this Honorable Court note the information contained herein and continue the deadline for filing of motions and accordingly, continue the deadlines for change of plea, and the trial date, as requested herein.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this date I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the parties of record.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 25<sup>th</sup> day of January 2017.

**ERIC . VOS**  
**Federal Public Defender**  
**District of Puerto Rico**

/s/FRANCISCO E. CELEDONIO  
FRANCISCO E. CELEDONIO  
Assistant Federal Public Defender  
USDC G02114  
241 F.D. Roosevelt Avenue  
San Juan, PR 00918-2305  
Phone No. (787) 281-4922  
[francisco\\_celedonio@fd.org](mailto:francisco_celedonio@fd.org)